

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELAINE BESTON,

Defendant.

**CR-08-07-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 19, 2022. (Doc. 203.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 19, 2022. (Doc. 198.) The United States accused Elaine Beston (Beston) of violating her conditions of supervised release 1) by failing to report for substance abuse treatment; 2) by failing to report to her probation officer as directed; and 3) by knowingly associating with a convicted felon. (Doc. 193.)

At the revocation hearing, Beston admitted to violating the conditions of her supervised release 1) by failing to report for substance abuse treatment; 2) by failing to report to her probation officer as directed; and 3) by knowingly associating with a convicted felon. Judge Johnston found that the violations proved to be serious and warranted revocation, and recommended that Beston receive a custodial sentence of 6 months with 103 months of supervised release to follow. (Doc. 203.) Beston was advised of her right to appeal and her right to allocute before the undersigned. (Doc. 198.) The violations prove serious and warrants revocation of Beston's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Amended Findings and Recommendations (Doc. 203) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Elaine Beston be sentenced to the custody of the United States Bureau of Prisons for 6 months with 103 months of supervised release to follow.

DATED this 3rd day of January, 2023.



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Brian Morris, Chief District Judge  
United States District Court